

REMARKS

INTRODUCTION:

In accordance with the foregoing, the claims have been retained in their present form. No new matter is being presented, and approval and entry are respectfully requested.

Claims 1-10 are pending and under consideration. Reconsideration is respectfully requested.

REJECTION UNDER 35 U.S.C. §103:

In the Office Action, at pages 2-4, numbered paragraph 2, claims 1-10 were rejected under 35 U.S.C. §103(a) as being unpatentable over Sugiyama (USPN 5,883,735; hereafter, Sugiyama) in view of Terahara (USPN 6,647,211; hereafter, Terahara). The reasons for the rejection are set forth in the Office Action and therefore not repeated. The rejection is traversed and reconsideration is requested.

Initially, the Examiner admits Sugiyama differs from the rejected independent claims by failing to specifically teach “a sending stop means for receiving a stop signal and for stopping the sending of the drive supervisory signal,” which recited in col. 2, paragraph 27, of the published application. In fact, Sugiyama indicates that “a failure occurs at the point marked ‘X’ in the drawing (FIG. 13) when the end office B is performing data transmission to end office A” (col. 3, lines 48-50), which indicates that no stop signal is sent, a recitation of independent claims 1, 9 and 10 and therefore, none could be received, a recitation of independent claims 1 and 9.

Terahara indicates that “the optical SV receiver 15 outputs the received monitor information to the control circuit 14” (FIG. 1 and col. 8, lines 13-15), and the optical SV transmitter 23 transfers a monitor signal, namely, a light signal outputted from the AOTF 31, monitored by the optical spectrum monitor 22 to the optical transmit terminal 10 by using an SV light signal on the reverse line 6 (col. 10, lines 6-10). Thus, while Terahara teaches a receiving and supervisory signal control means, Terahara fails to specifically teach or suggest the recited “sending stop means” and “stop signal sending means.”

Thus, the issue is whether one of ordinary skill would have or could have modified the system of Sugiyama to include these features based on Terahara. It is respectfully submitted the answer is no.

In view of the above, claims 1-10 are submitted to be patentable under 35 U.S.C. §103(a) over Sugiyama (USPN 5,883,735) and/or Terahara (USPN 6,647,211), alone or in combination.

CONCLUSION:

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot, and further, that all pending claims patentably distinguish over the prior art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited by the Examiner contacting the undersigned attorney for a telephone interview to discuss resolution of such issues.

If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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